

From: John Pellet
To: internet: careddi@wcnoc.com
Date: Thu, Oct 5, 2000 4:50 PM
Subject: Operator License Applicant Reactivity Manipulations

Ms. Redding,

NRC is in the process of amending the regulations governing operator license applicant reactivity manipulations. Attached is the .pdf file of NUREG-1021, Revision 8, Supplement 1, from the NRC's web page. As we discussed, page 8 of this document has a brief description of our expectations. Additional information may be found on the Commission's web site under:
1) SECY 2000-0083 (<http://www.nrc.gov/NRC/COMMISSION/SECYS/2000-0083scy.html>) and
2) SRM 2000-0083 (<http://www.nrc.gov/NRC/COMMISSION/SRM/1999-225srm.html>).

The FRN (65 FR 41021) was published July 3, 2000, and I've also attached a .pdf copy.

This information is from NRC's web site at
<http://www.nrc.gov/NRC/REACTOR/OL/OLregulations.html> and
<http://www.nrc.gov/NRC/REACTOR/OL/OLguidance.html>.

As we discussed, an exemption request would be processed through your normal NRR channels. The last time I discussed this with the folks involved, we had not received a request and they expected processing this to take on the order of 6 weeks. The amended regulations are not expected to be in place before the first of 2001, at the earliest. I will discuss with them whether the above has changed and any other information they might have and let you know if I learn more.

Please feel free to contact me if you need additional information about this for Wolf Creek's decision on whether to request an exemption from 10 CFR 55, to allow the use of the simulator for applicant reactivity manipulations.

John Pellet
Chief, Operations Branch, DRS
817-860-8159

CC: Howard Bundy, Lawrence Vick

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A. PURPOSE

This standard provides instructions for facility licensees and applicants to prepare and the NRC to review initial licensing applications. It also discusses the experience, training, education, and certification requirements and guidelines that an applicant should satisfy before being allowed to take an NRC reactor operator (RO), senior reactor operator (SRO), or limited senior reactor operator (LSRO) licensing examination.

B. BACKGROUND

In accordance with 10 CFR 55.31(a)(4), a license applicant must provide evidence that he or she has successfully completed the facility licensee's requirements to be licensed as an RO or SRO and of the facility licensee's need for an RO or SRO to perform assigned duties. If the facility licensee's ~~The Commission-approved licensed operator training program~~ *is based on a systems approach to training (SAT) and uses a simulation facility* ~~ies that has~~ *is* ~~ve been either certified by the facility licensee or determined to be acceptable by the Commission under 10 CFR 55.45(b).~~ ~~In accordance with 10 CFR 55.31(a)(4), these facilities are not required, then it is not necessary~~ to include details of the applicant's qualifications, experience, and training on the NRC license application form. In lieu of these details, the Commission will generally accept certification by an authorized representative of the facility licensee that the applicant has successfully completed the facility's Commission-approved training program.

~~If the facility licensee does not have a SAT-based licensed operator training program that uses a simulation facility acceptable to the Commission, the NRC will not accept the license application unless it includes the details of the applicant's qualifications and training. Detailed license eligibility requirements and commitments related to operator experience, education, and training are generally embodied in each facility licensee's Commission-approved licensed operator training program and licensing basis documents (e.g., its technical specifications and final safety analysis report). Subject to continued Commission endorsement of the industry's accreditation process under the Final Policy Statement on Training and Qualification of Nuclear Power Plant Personnel (50 FR11147; March 20, 1985), a facility licensee's training program would be approved by being accredited by the National Nuclear Accrediting Board (NNAB). The NNAB's experience, education, and training requirements are outlined in the National Academy for Nuclear Training's "Guidelines for Initial Training and Qualification of Licensed Operators." The NRC has reviewed the requirements related to education and experience and concluded that they are equivalent to the NRC staff and guidelines are derived from 10 CFR Part 55, Subpart D, "Applications," and guidelines in Regulatory Guide (RG) 1.8, Revision 23, "Qualification and Training of Personnel for Nuclear Power Plants", respectively. With respect to license applicants, RG 1.8 endorses, with additions, exceptions, and clarifications, the guidance in American National Standards Institute/ American Nuclear Society (ANSI/ANS)-3.1-1984-1993, "Selection, Qualification and Training of Personnel for Nuclear Power Plants." The NRC's license eligibility guidelines are outlined in Section D below. NRC examiners should refer to those documents as necessary when evaluating the eligibility of applicants at facilities that do not use an NRC-approved or facility-certified simulator as part of a SAT-based licensed~~

~~operator training program.~~

The NRC expects every facility licensee to comply with the operator licensing regulations, its site-specific requirements, and any commitments it has made (to the NRC and the NNAB) regarding licensed operator experience, education, and training. In accordance with the supplementary information contained in the 1987 Part 55 final rule (52 FR 9453; March 25, 1987), any facility licensee that made a commitment that was less than that required by that rule, was required to conform to the rule automatically. If a facility licensee has made contradictory commitments, the NRC will hold the licensee responsible for implementing the most conservative and restrictive requirement or commitment.

C. RESPONSIBILITIES

The regulatory requirements associated with the license application process are detailed in Subpart D, "Applications," of 10 CFR Part 55. The medical requirements for license applicants and licensed operators appear in Subpart C, "Medical Requirements," of 10 CFR Part 55. These requirements should be referred to as necessary when preparing and reviewing license applications.

1. Applicant/Facility Licensee

- a. To apply for an RO or SRO license, an applicant must submit an NRC Form 398, "Personal Qualifications Statement - Licensee," and an NRC Form 396, "Certification of Medical Examination by Facility Licensee." (Computer-generated duplicates are acceptable.) The application is not complete until both forms are filled out, signed by the appropriate personnel, and received by the NRC. Detailed instructions for completing NRC Form 398 are provided with the form. *Applicants and facility licensees should pay particular attention to the instructions and note relating to Item 12.* Additional instructions regarding waivers of training, experience, and examination requirements are provided in ES-204.

If the applicant is reapplying after a license denial, 10 CFR 55.35 applies, and the applicant must complete and submit a new Form 398. The applicant may file the second application two months after the date of the first final denial, a third application six months after the date of the second final denial, and successive applications two years after the date of each subsequent denial. Each new Form 398 shall describe the extent of the applicant's additional training since the denial and shall include a certification by the facility licensee that the applicant is ready for reexamination.

If the applicant previously passed either the written examination or the operating test, he or she may request a waiver of that portion of the licensing examination. Such waivers are limited to the first reapplication and must be requested within one year of the date of the failed examination. Refer to ES-204 for a more detailed discussion of this and other waiver criteria.

The medical data in support of NRC Form 396 are normally good for six months from the date of the medical examination. If more than 6 months have passed since the date of an RO or SRO instant applicant's medical examination, the facility licensee shall certify in writing that the applicant has not developed any physical or mental condition that would be reportable under 10 CFR 55.25. If the time since any applicant's last medical examination is expected to exceed 24 months before the licensing action is completed, the applicant shall be reexamined by a physician and the facility licensee shall recertify the applicant's medical fitness on NRC Form 396 before the NRC regional office issues the license.

If an applicant is reapplying after withdrawing a previous application or accepting a final license denial, he or she may request a waiver of a medical reexamination by checking Item 4.f.4 on NRC Form 398. The time since the last medical examination can not exceed 24 months and the applicant must certify in Item 17, "Comments," of the form that he or she has not developed any physical or mental condition that would be reportable under 10 CFR 55.25.

- b. Each applicant (except those applying for an LSRO license) must satisfactorily complete the NRC's generic fundamentals examination (GFE) section of the written operator licensing examination for the applicable vendor. Refer to ES-205 for more information on the GFE program.

Applicants do not need to take the GFE if they were previously issued an RO or SRO license or an instructor certificate based on a site-specific written examination (on the same type of facility) that was administered between February 1982 and November 1989 and included the material covered by the GFE. Enter the date of the examination in Item 4.g on NRC Form 398 and an explanation in Item 17; a waiver is not required.

- c. As noted in ES-201, the facility licensee should submit preliminary, uncertified license applications and medical certifications for review by the NRC regional office at least 30 days before the examination date. This will permit the NRC to make preliminary eligibility determinations, process the medical certifications, evaluate any waivers that might be appropriate, and obtain additional information, if necessary, while allowing the facility licensee to finish training the applicants before the certified applications are due.
- d. The facility licensee's senior management representative on site must certify when an applicant has completed all of the facility licensee's requirements *and commitments* for the desired license level (i.e., experience, control manipulations, training, and medical). Such certification involves placing a check in Item 19.b of NRC Form 398, signing the form, and submitting it to the NRC regional office at least 14 days before the examination date.

The facility must also submit a written request that the written examination and operating test be administered to the applicant.

- e. When the NRC regional office denies a license application, the applicant ~~may~~ *need* not accept the proposed denial. In such instances, the applicant may request that the Director, Division of Inspection Program Management (DIPM), Office of Nuclear Reactor Regulation (NRR), review the application denial or request a hearing in accordance with 10 CFR 2.103(b)(2). Further action will be taken in accordance with ES-502.
- f. The facility licensee is expected to inform the NRC regional office in writing if it desires to withdraw an application before the licensing process is complete.

2. NRC Regional Office

- a. The NRC regional office shall review the preliminary applications as soon as possible after they are received. In that way, the regional office can process the medical certifications, evaluate and resolve any waiver requests in accordance with ES-204, and obtain from the facility licensee any additional information that might be necessary in order to support the final eligibility determinations.

With regard to the medical certifications, the regional office shall forward the applicant's NRC Form 396 and the supporting medical evidence to the NRC physician at the Headquarters Health Unit or the regional contract physician for evaluation any time the examining physician has recommended that the applicant be issued a restricted license or that an existing restriction be changed (by checking block A.4 or A.5 on Form 396).

The NRC will not process a retake application if the applicant's request for reconsideration or a hearing on the previous license denial is still outstanding (refer to ES-502).

Before entering the applicants' data in the operator licensing tracking system (OLTS), the region shall verify that none of the applicants' names appear on the "Restricted Individuals List" found on the NRC's web site at <http://www.internal.nrc.gov/OE/restrict.htm>. The region shall check with the appropriate contact in the Office of Enforcement by telephone or electronic mail to verify that the information on the subject individual is current before using the information on the list to deny a licensing action.

- b. The regional office will verify that the applicant has successfully passed the GFE, if required, and review the data on NRC Form 398 to ensure that it is complete.

Affirmative responses to Items 12.a and 12.b of NRC Form 398, indicate that the applicant has successfully completed a Commission-approved, SAT-based training program *that meets the education and experience requirements outlined by the NNAB and* that uses a simulation facility acceptable to the Commission under 10 CFR 55.45(b). If the facility licensee checks "yes" in response to these items, the licensee need not complete Items 13, "Training," 14, "Experience," and 15, "Experience Details," of NRC Form 398, *except as noted below, and* —

the region may accept the application without further review ~~unless there is reason to request further information concerning the applicant's qualifications.~~

~~Occasionally, a facility licensee completes Items 13, 14, and 15 even though they are not required as explained above. In such instances, the region may review the information provided against the eligibility guidelines in Section D for the requested license level and resolve any deviations with the facility licensee.~~

New applications must include the number of significant control manipulations in Item 13.3; at least five are required on the facility for which the license is sought. Every effort should be made to diversify the reactivity and power changes for each applicant. Startups, shutdowns, large load changes, and changes in rod programming are some examples; these changes could be accomplished manually using such systems as rod control, chemical shim control, and recirculation flow control. This requirement can only be waived or deferred under the conditions specified in 10 CFR 55.31(a)(5); situations other than those specified would require an exemption in accordance with 10 CFR 55.11. (Refer to the note following Section D.1.b(2) below for additional information regarding exemptions from this requirement.) For ROs applying for an SRO license, certification that the operator has successfully operated the controls of the facility as a licensed operator shall be accepted as evidence of having completed the required manipulations.

As noted in the instructions for Item 12 on Form 398, certified instructors (who may not have the requisite responsible nuclear power plant experience as defined in RG 1.8, Revision 3) seeking an SRO license must complete Items 14 and 15. Moreover, any exceptions or waivers from the education and experience requirements outlined in the National Academy for Nuclear Training's "Guidelines for Initial Training and Qualification of Licensed Operators" must be explained in Item 17.

If an applicant checks "no" in response to Items 12.a and 12.b, *provides information that is not required, or indicates that exceptions or waivers have been taken in Item 17* on Form 398, the region shall review the application against the specific *RO, SRO, or LSRO* eligibility ~~guidelines described in Section D~~ *requirements and commitments applicable to the facility licensee and refer any eligibility issues (e.g., any failure to meet the minimum guidelines established by the NNAB or RG 1.8, Revision 3) and questions to the NRR operator licensing program office for resolution.*

If the applicant is reapplying after a previous examination failure and license denial, the region shall evaluate the applicant's additional training to determine if the facility licensee made a reasonable effort to remediate the deficiencies that caused the applicant to fail the previous examination.

- c. The region may determine that the preliminary application is incomplete, that more information is necessary to make a waiver determination, or that the

applicant does not meet the requirements in 10 CFR 55.31. In such instances, the region will note the deficiencies and request that the facility licensee supply additional information when it submits the final, certified license application (or sooner if possible).

Conversely, the region may determine that the preliminary application is complete, and the applicant meets the eligibility requirements or is expected to meet the requirements pending the receipt of additional information. In such instances, the region shall enter the applicant's name, docket number, and examination requirements on the examination assignment sheet in accordance with ES-201.

- d. Upon receiving the final, certified license application, the reviewer shall evaluate any new information to ensure that the eligibility criteria are satisfied. If so, the reviewer shall check the "meets requirements" block at the bottom of Form 398, sign and date the form. If necessary, the reviewer shall add the applicant's name and other data to the examination assignment sheet in accordance with ES-201. The reviewer shall also ensure that the assignment sheet accurately reflects any examination waivers that may have been granted in accordance with ES-204.

If the region determines that the applicant still does not meet the eligibility requirements, the regional licensing authority will discuss its decision with the NRR operator licensing program office and notify the applicant in writing that the application is being denied and identify the deficiencies on which the denial is based (Attachment 1). The responsible regional supervisor, or designee, shall check the "does not meet requirements" block at the bottom of Form 398, and shall sign and date the form. The applicant's name shall be stricken from the examination assignment sheet; the applicant shall not be permitted to take the licensing examination until the region determines that he or she meets the eligibility criteria.

~~With prior approval from NRR, as necessary,~~ In accordance with ES-204, the region may administer a license examination to an applicant who has not satisfied the applicable training or experience requirements at the time of the examination, but is expected to complete them shortly thereafter. Assuming that the applicant passes the examination, the region shall not issue the applicant's license until the facility licensee certifies that all of the requirements have been completed. (Refer to ES-501 for additional guidance.)

D. **NRC** LICENSE ELIGIBILITY GUIDELINES

~~Revision 2 of~~ Regulatory Guide (RG) 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the training and qualifications of nuclear power plant personnel. For the positions of shift supervisor, senior operator, and licensed operator, ~~this RG generally~~ *Revision 3 of RG 1.8, which was issued in May 2000*, endorses the guidelines

contained in ANSI/ANS-3.1-1984~~93~~; specific clarifications, additions, and exceptions are noted in Section C, "Regulatory Position," of RG 1.8. The license eligibility guidelines in RG 1.8, Revision ~~2~~3, and ANSI/ANS-3.1-1984~~93~~ are summarized below; *refer to those documents for more detailed information. No backfitting is intended or required in connection with the issuance of the revised RG.*

As noted in Section B above, the NRC has reviewed the current education and experience requirements outlined in the National Academy for Nuclear Training's "Guidelines for Initial Training and Qualification of Licensed Operators" and concluded that they are equivalent to the NRC staff guidelines in RG 1.8, Revision 3.

Except as specifically noted below, experience and training are separate aspects of license eligibility. As stated in NUREG-1262 (in response to Question No. 113), a person should meet the experience guidelines before entering the license training program. Time spent in training before entering the license training program may qualify as experience, but time spent in an NRC-approved training program leading up to license eligibility should normally not be double-counted as experience.

~~The NRC regional office should refer all questions regarding license eligibility to the NRR operator licensing program office for resolution.~~

1. Reactor Operator

a. Experience

- (1) The applicant should have a minimum of three years of power plant experience, at least one of which is spent at the nuclear power plant for which the license is sought (preferably in the performance of nonlicensed operator duties).
- (2) The applicant should spend at least six months performing plant operational duties as a nonlicensed operator at the nuclear power plant for which the license is sought.

b. Training

- (1) *Before being assigned RO duties, the applicant should complete at least ~~13 weeks~~ three months as an extra person on shift in training for the RO position. This training should include all phases of day-to-day operations and be conducted under the supervision of licensed personnel. This time does not count toward the one-year on-site experience specified in Item D.1(a)(1) above.*
- (2) The applicant should *complete an RO training program that is established and maintained using a systematic approach to training (SAT). ~~be trained in nuclear power plant fundamentals and plant systems, use of those systems to control or mitigate an accident during which the core is severely damaged, and operating practice.~~*

- ~~(3) The applicant should complete at least 500 hours of lectures on the principles of reactor operation, design features and general operating characteristics of the nuclear power plant involved, instrumentation and control (IC) systems, safety and emergency systems, standard and emergency operating procedures, and radiation control and safety procedures.~~
- ~~(4) The applicant should satisfactorily complete an NRC-approved training program involving at least one week at a nuclear power plant simulator. The simulator training center should certify the applicant's ability during a reactor startup to manipulate the controls, keep the reactor under control, predict instrument responses, use instrumentation, follow procedures, and explain annunciator alarms that occur during operation.~~

- (3) The applicant must manipulate the controls of the reactor during five significant changes in reactivity or power level (refer to 10 CFR 55.31(a)(5)). Every effort should be made to diversify the reactivity and power changes for each applicant. Startups, shutdowns, large load changes, and changes in rod programming are some examples; these changes could be accomplished manually using such systems as rod control, chemical shim control, and recirculation flow control.

[Note: The NRC is preparing a proposed regulatory amendment that, if approved by the Commission, will allow applicants to *optionally* complete *some or all of* the required reactivity manipulations on a plant-referenced simulator. While this rulemaking is in progress, the staff is prepared to consider requests for exemption from the requirements of §55.31(a)(5) so that a simulation facility may be considered acceptable for completing the requirement on a case-by-case basis. As part of any exemption request, the facility licensee shall provide evidence that the reactivity manipulations are conducted under defined scenario conditions and that simulator fidelity ~~is assured by adequate software controls and with respect to the current configuration of the reference unit~~ is confirmed before the training session. The staff will consider ~~a commitment or certification implementation of a simulation facility in accordance with ANSI/ANS 3.5-1998~~ to be sufficient evidence of simulator fidelity to fulfill the experience requirement of §55.31(a)(5) without a need to submit additional information regarding simulator ~~software core data and performance testing.~~]

c. Education

The applicant should have a high school diploma or equivalent.

2. Senior Reactor Operator

a. Experience

- (1) The applicant should have a minimum of ~~four~~*three* years of responsible *nuclear* power plant experience, as defined in RG 1.8. At least ~~two of those four years should be nuclear power plant experience, and at least~~ six months of the *responsible* nuclear power plant experience should be at the plant for which the applicant seeks a license. *A maximum of one year of responsible nuclear power plant experience may be fulfilled by academic or related technical training on a one-for-one basis.*
- (2) The applicant should have actively performed licensed RO duties for at least one year at the facility for which the SRO license is sought. The NRC may accept any one or more of the following education or experience qualifications to satisfy this requirement provided that the applicant supplies sufficient details in the license application for the staff to make a judgement regarding equivalence:
- A four-year degree in engineering or the equivalent (e.g., a degree in engineering technology or the physical sciences that includes course work in physics, mathematics, or engineering; a professional engineer's (PE) license obtained by passing the PE examination).
 - At least one year as an active licensed RO at a comparable facility (same vendor, similar vintage) or 18 months as an RO at a noncomparable commercial power reactor.
 - At least two years in a position equivalent to a licensed RO at a military reactor (*e.g., propulsion plant watch officer, reactor operator, chief reactor watch, engineering officer of the watch, propulsion plant watch supervisor, and shutdown maneuvering area watch*).
 - Experience obtained in licensed positions (or their equivalent) on other large-scale reactors will be evaluated on a case-by-case basis. Applicants must also submit a waiver request in accordance with ES-204 if they want this experience to apply toward the requirement.
- (3) During the ~~two~~ years of *responsible* nuclear power plant experience, the applicant should participate in reactor operator activities at power levels greater than 20 percent for at least six weeks.
- (4) *The eligibility of equipment operators and non-degreed licensed operator instructors will be evaluated on a case-by-case basis.*

b. Training

- (1) *Before being assigned SRO duties,* the applicant should complete at least ~~13 weeks~~ *three months* as an extra person on shift in training for the

SRO position. This training should include all phases of day-to-day operations and be conducted under the supervision of licensed personnel. *This time does not count toward the six-month on-site responsible experience guideline in Item D.2(a)(1) above. However, any portion of the ~~13 weeks~~ three months that is spent at or above 20 percent power may also be used to satisfy the experience guideline in Section D.2.a(43).*

- (2) If the applicant has not held an RO license at the facility *for which a license is sought, the applicant must complete the required control manipulations as discussed in Section D.1.b(3) above. and one of the qualifications specified in Section D.2.a(2) is substituted for that experience, the training guidelines of Sections D.1.b(4) and D.1.b(5) should be met. The applicant should satisfactorily complete a training program that is comprehensive in its coverage of both RO and SRO knowledge, skills, and abilities and must take an SRO instant license examination.*
- (3) The applicant should *complete a SAT-based SRO training program. be trained in nuclear power plant fundamentals and plant systems, use of those systems to control or mitigate an accident during which the core is severely damaged, and operating practice.*
- ~~(4) The applicant should also complete the additional instruction specified in Section 5.2.1.6 of ANSI/ANS-3.1-1981 in subjects related to the duties of an SRO.~~

c. Education

The applicant should have a high school diploma or equivalent.

3. Limited Senior Reactor Operator

a. Experience

The applicant should have three years of *responsible* nuclear power *plant* experience that includes active participation in at least one refueling outage at the site for which the license is sought or at a similar facility. Six months of the *responsible* nuclear power plant experience must be at the site for which the LSRO license is sought or at a similar facility owned by the same facility licensee.

b. Training

The applicant is expected to have satisfactorily completed a *SAT-based* training program. *that ensures that he or she is qualified to supervise fuel handling operations. The program should be based on a systems approach to training and is expected to include instruction in at least the following areas:*

- ~~(1) nuclear power plant and health physics fundamentals and the principles of reactor theory and thermodynamics~~
 - ~~(2) design features of the nuclear power plant pertaining to fuel handling activities, including plant systems and equipment associated with fuel handling operations, pertinent IC systems, and features of the emergency core cooling systems (ECCSs) associated with the refueling mode of operation~~
 - ~~(3) the use of installed plant systems to control or mitigate an accident in which the core is damaged during refueling operations~~
 - ~~(4) operating practices and procedures that pertain to refueling, including administrative, operational, surveillance, emergency, radiation control, and safety procedures; the technical specifications applicable to refueling; and the requirements concerning communications and interfaces with the main control room~~
- ~~The applicant should also complete a minimum of 80 hours of on-the-job training (OJT) in refueling activities, including manipulation of the refueling bridge or similar refueling equipment.~~

c. Education

The applicant should have a high school diploma or equivalent.

4. Cold License Eligibility

Cold examinations are those administered before the unit completes preoperational testing and the initial startup test program as described in the FSAR.

- a. Each applicant must satisfactorily complete the training programs described in Section 13.2 of the FSAR and approved by the NRC. The NRC's review and approval are based on information contained in Section 13.2.1 of the Standard Review Plan (SRP) (NUREG-0800).

Note: These NRC-approved training programs typically require ten startups on a research reactor. This requirement may be waived if the applicant has completed a plant-referenced simulator training program accredited by the Institute of Nuclear Power Operations (INPO).

- b. In lieu of the control manipulations on the facility for which the license is sought (per 10 CFR 55.31(a)(5)), the Commission may accept evidence of satisfactory performance of simulated control manipulations as part of a Commission-approved training program on a simulation facility acceptable to the Commission under 10 CFR 55.45(b).

E. ATTACHMENTS/FORMS

Attachment 1, "Sample Initial Application Denial from Region"

For Comment And Interim Use.

NRC Letterhead

(date)

(Applicant's name)
(Street address)
(City, State, Zip code)

Dear (Name):

This is to inform you that your application of (date) for a (reactor operator, senior reactor operator) license submitted in connection with the (facility name) is hereby denied.

(Region to discuss deficiencies and which part of 10 CFR 55.31, ES-202, NRC- approved facility training program, or Regulatory Guide 1.8 was involved.) When you have met the requirements of 10 CFR 55.31, you may submit another application.

If you do not accept this denial, you may, within 20 days of the date of this letter, take one of the following actions:

- You may request that the NRC reconsider the denial of your application by writing to the Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Your request must include specific reasons for your belief that your application was improperly denied. If the NRC determines that the denial of your application remains appropriate, you still have the right to request a hearing pursuant to 10 CFR 2.103(b)(2), as described below.
- You may request a hearing in accordance with 10 CFR 2.103(b)(2). Submit your request, in writing, to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the Associate General Counsel for Hearings, Enforcement, and Administration, Office of the General Counsel, at the same address.

If you have any questions, please contact (name) at (telephone number).

Sincerely,

(Regional branch chief or above)Docket No. 55-(number)cc: (Facility representative who signed the applicant's NRC Form 398)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large winter pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meetings were widely publicized throughout the winter pear industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the March 30, May 4, and June 2, 2000, meetings were public meetings and all entities, both large and small, were able to express views on this issue. The Committee itself is composed of twelve members, of whom six are handlers and six are producers. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because this rule would need to be in place by August 15, 2000, because shipments of Anjou pears are expected to begin shortly thereafter. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 927 is proposed to be amended as follows:

PART 927—WINTER PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 927.316 is added to read as follows:

§ 927.316 Handling regulation.

During the period August 15 through November 1, no person shall handle any Beurre D'Anjou variety of pears for shipments to North America (Continental United States, Mexico, or Canada), unless such pears meet the following requirements:

(a) Beurre D'Anjou variety of pears shall have a certification by the Federal-State Inspection Service, issued prior to shipment, showing that (1) the core/pulp temperature of such pears has been lowered to 35 degrees Fahrenheit or less and

(2) Any such pears have an average pressure test of 14 pounds. The handler shall submit, or cause to be submitted, a copy of the certificate issued on the shipment to the Control Committee.

(b) Each handler may ship on any one conveyance 8,800 pounds or less of Beurre D'Anjou variety of pears without regard to the quality and inspection requirements in paragraph (a) of this section.

Dated: June 27, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–16737 Filed 6–30–00; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 55

RIN 3150–AG40

Operator License Eligibility and Use of Simulation Facilities in Operator Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by allowing applicants for operator and senior operator licenses to fulfill a portion of the experience prerequisites for license eligibility by manipulating a plant-referenced simulator as an alternative to use of the actual plant. The proposed rule would allow applicants for operator and senior operator licenses to fulfill a portion of the experience prerequisites by manipulating a plant-referenced simulator as an alternative to use of the actual plant. In addition, the proposed rule would remove current requirements for certification of simulation facilities and routine submittal of simulator performance test reports to the NRC for review. Also, the proposed rule would

revise the definitions of “Performance testing,” “Plant-referenced simulator,” and “Simulator facility.”

DATES: Submit comments by September 18, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, Mail Stop O–16C1. Deliver written comments to One White Flint North, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: cag@nrc.gov). Copies of any comments received and certain documents related to this rulemaking may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may be viewed and downloaded electronically via the rulemaking website.

Documents created or received at the NRC after April 1, 2000, are also available electronically at the NRC's Public Electronic Reading room on the internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agency Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) Reference staff at 202–634–3273 or toll-free at 1–800–397–4209, or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Glenn Tracey, Operator Licensing, Human Performance and Plant Support Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: (301) 415–1031; or by Internet electronic mail to gmt@nrc.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Section 107 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2137), requires the NRC to prescribe uniform conditions for licensing individuals as operators of production and utilization facilities to determine the qualifications

of these individuals, and to issue licenses to these individuals. The regulations implementing these requirements are set out in Part 55 of Title 10, Chapter 1, of the Code of Federal Regulations. To assist licensees and others, the Commission has issued regulatory guides and generic letters that provide guidance on acceptable methods of meeting these regulatory requirements.

The Commission has become increasingly aware of the need to update its operator licensing regulations and related regulatory guides. These revisions are needed to clarify the extent to which applicants for operator and senior operator licenses may fulfill a portion of the experience prerequisites for license eligibility with the performance of five significant control manipulations on a plant-referenced simulator as an alternative to use of the actual plant, and to remove current requirements for certification of simulation facilities and routine submittal of simulator performance test reports to the NRC for review. The proposed rule changes would improve the operator licensing process. If adopted, these revisions would achieve the following objectives: (1) Allow applicants for operator and senior operator licenses to fulfill a portion of the experience prerequisites by performing five significant control manipulations on a plant-referenced simulator and/or the actual plant facility for which a license is sought; (2) maintain training integrity through a requirement that ensures adequate simulator replication of the plant and demonstrated fidelity for those simulators used to provide control manipulation experience; (3) remove current requirements for certification of simulation facilities; (4) eliminate routine submittal of simulator performance test reports to the NRC for review; and (5) maintain safety through NRC reviews to ensure simulator suitability for providing effective training in performance assessment of operator license applicants.

Background

On March 25, 1987 (52 FR 9453), the Commission published a final rule in the **Federal Register** that amended 10 CFR Part 55 and became effective May 26, 1987. The amendment requires that an applicant successfully manipulate the controls of the facility for which a license is sought. Five significant control manipulations must be performed which affect reactivity or power level. The final rule also included requirements for the use of simulators in the qualification and

requalification of nuclear power plant operators, and required certification of simulation facilities.

Discussion of Proposed Rule Changes

Subpart A—Revision of § 55.4, Definitions

Three definitions would be revised. The definition of “Performance testing,” which is testing conducted to verify a simulation facility’s performance as compared to actual or predicted reference plant performance, would be revised in a manner that would not impose additional requirements on licensees, to comport with the definition for such testing in the most recent edition of the industry standard for use of nuclear plant simulators in operator training and examination (ANSI/ANS-3.5-1998). The definition of a “Plant-referenced simulator,” which is a simulator modeling the systems of the reference plant, would be revised to reference within the definition existing simulator requirements in Part 55, and the proposed revision allowing completion of certain on-the-job training prerequisites for license applicant eligibility on the simulator. The definition of “Simulation facility,” which describes the components that alone, or in combination, can be used for partial conduct of operating tests, would be revised to include part-task and limited-scope simulator devices because these devices are now referenced in the most recent edition of ANSI/ANS-3.5, and a request could be received for Commission approval of their use.

Conforming Changes to § 55.8 Information Collection Requirements: OMB Approval

As a result of the previously described proposed changes to § 55.45(b) that eliminate the simulator certification requirement, a conforming change to § 55.8(c)(3) would delete Form 474, “Simulation Facility Certification,” OMB approval No. 3150-0138, as currently referred to § 55.45(b)(1)(iii) and § 55.45(b)(3)(iii).

Section 55.8(c)(4) would be deleted because its requirements have been incorporated into this 10 CFR part.

Subpart D—Revision of § 55.31 To Allow Performance of Control Manipulations on the Plant-Referenced Simulator

Section 55.31(a)(5), currently requires that five significant control manipulations that affect reactivity or power level be performed on the actual plant would be revised to allow those manipulations to be performed either on

a plant-referenced simulator or on the actual plant, at the facility licensee’s discretion. Eligibility for an operator license encompasses education, training, and experience factors. Reactivity manipulations are an operating experience requirement addressed by on-the-job training (OJT). Use of a plant-referenced simulator of appropriate fidelity for these manipulations is appropriate based upon improvements in simulator technology and 13 years of successful experience in using plant-specific simulation facilities since the 1987 final rule. Modern plant-referenced simulation facilities in operation today are providing accurate and validated operator training and examination scenarios that convey realism in reactivity manipulations, other normal and abnormal procedure operations, complex plant operations, and emergency operating procedure evolutions, including simultaneous task management and faulted conditions. The proposed rule change would allow part of the plant operating experience requirement for license eligibility to be fully satisfied in a timely manner within the facility’s accredited training program without impacting operation of the actual plant.

The requirement of § 55.31(a)(4) to complete the facility licensee’s program of education, experience, and OJT as a prerequisite of license eligibility would not be affected by the proposed rule change. Performance of control manipulations that affect reactivity or power level constitutes only a small part of an applicant’s preparedness to perform licensed duties and would continue to be implemented as a subset of OJT. If adopted, the proposed rule would alternatively allow use of the actual plant and/or the plant-referenced simulator for control manipulations, thus broadening the range of options available to facility licensees for selecting the most advantageous training method.

Although facility licensees’ simulation facilities are, for the most part, state-of-the-art, the NRC has identified two areas of concern with respect to considering a plant-referenced simulator suitable for fulfilling the experience requirements of a license applicant. First, recognizing that the simulator may differ to a degree from the reference unit and to provide experience essentially replicating that obtained from control manipulations on the plant, reasonable measures should be taken to ensure that the simulated reactor core, at least for the directly associated models such as those for nuclear and thermal-hydraulic

characteristics, represents the actual reactor core that will exist in the plant at the time the applicant is tested for a license. Second, the performance of the nuclear and thermal-hydraulic characteristics models must be tested to ensure that the simulator is capable of being used to satisfy predetermined objectives without significant performance discrepancies or deviation from the approved scenario sequence. To address these concerns and thereby maintain plant safety, the proposed rule would add a requirement under § 55.45(b) for licensees using a plant-referenced simulator to satisfy reactivity manipulation experience requirements to ensure that: Simulator models relating to nuclear and thermal-hydraulic characteristics replicate the core load that exists in the nuclear power unit for which a license is being sought at the time of the applicant's operating test; and simulator fidelity has been demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviations from the approved training scenario sequence. This provision in the proposed rule thus links § 55.45(b) with the proposed § 55.31(a)(5).

Subpart E—Revision of § 55.45 To Remove Current Requirements for Simulator Certification and Routine Submittal of Performance Test Reports

The proposed rule would delete requirements that have become outdated and burdensome to the facility licensees and are of limited value to the NRC in the following areas of § 55.45(b): (1) Certification of simulation facilities; (2) submittal of test schedule information; and (3) submittal of quadrennial test reports.

The March 25, 1987, final rule provided a phased implementation schedule for the requirement that facility licensees who propose to use a simulation facility consisting solely of a plant-referenced simulator certify, by means of NRC Form 474, "Simulation Facility Certification," the availability of a simulation facility meeting Commission regulations. The certification requirement also contained associated requirements for submittal of test documentation and test schedules on a quadrennial basis. Licensees have certified plant-referenced simulators at all power reactor facilities, and the NRC staff's experience has shown the quadrennial reports to be of minimal value in assessing simulator suitability for testing of operators.

The proposed rule would, by means of an alternative regulatory approach that would not change substantive

existing requirements, eliminate the need for certification and quadrennial reports. Absent certification, assurance of simulator suitability would be provided through NRC reviews and validation of operating test scenarios, with review of performance test results, and uncorrected modeling or hardware discrepancies, if needed. If the simulator is found by this review to be unsuitable, the simulator may not be used to conduct an operating test, requalification training, or for performing control manipulations to establish license applicant eligibility. The current requirement for more recent simulator test and performance data to remain onsite would not be changed.

Facility licensees proposing to use a simulator facility meeting the definition in § 55.4 for a plant-referenced simulator are not required to submit an application for Commission approval of that simulator.

For cases in which licensees propose to use a simulation facility not meeting the definition of a plant-referenced simulator, the Commission would require additional information to determine the acceptability of the simulator, and thus would require an application for Commission approval.

Since 1987, the last time the Commission amended its regulations regarding the use of simulators, facility licensees have trained licensed operators and applicants for operator and senior operator licenses on plant-referenced simulators that were certified in accordance with the 1985 edition of ANSI/ANS-3.5. This standard specifies full-scope, stand-alone testing of system models and simulator training capabilities as part of initial simulator acceptance testing. Licensees continue to test their plant-referenced simulators in the manner of initial development and to submit test schedules and reports on a quadrennial basis to comply with the 1987 final rule that requires periodic scheduling and reporting of test results to the NRC. The industry's approach to computer software development and simulator testing has changed considerably since 1987, and a new approach has been codified through the issuance of the 1998 version of ANSI/ANS-3.5, Nuclear Power Plant Simulators for Use in Operator Training and Examination. The standard has moved away from continued full-scope, stand-alone testing of system models and simulator training capabilities toward a scenario-based testing and quality control philosophy that is associated with the facility's planned simulator usage.

The proposed rule would eliminate the need for certification of simulation

facilities to the NRC and the associated testing and reporting requirements that have been become outdated by the 1998 revision of the national consensus standard ANSI/ANS-3.5.

The proposed rule would eliminate duplicate testing for those licensees that choose to adopt the revised national standard. The proposed rule changes would neither require facility licensees to adopt a newly revised version of the national consensus standard, nor would it require facility licensees to modify existing simulator support programs or practices. The proposed rule changes would not impose additional burden or increase the risks to the health and safety of any segment of the nuclear industry or the public.

The proposed rule would allow facility licensees to voluntarily adjust their performance test programs consistent with end-user needs as defined by their accredited systems-approach-to-training (SAT) programs or to voluntarily conform existing simulation facility programs to new revisions of ANSI/ANS-3.5. Facility licensees' plant-referenced simulators are continually in the update and maintenance mode of their life-cycle as new computer technology and new plant information is incorporated into the simulation facility. Earlier revisions of the national consensus standard were not intended for today's highly technical, very complex, and sophisticated computer simulation programs that routinely encompass verification, validation, and documentation of a simulator's performance. Identification and resolution of discrepancies are a function of the licensees discrepancy reporting and resolution practices. The proposed rule and associated proposed Regulatory Guide 1.149, "Nuclear Power Simulation Facilities for Use in License Examinations," which would endorse ANSI/ANS-3.5-1998 without exception, would reduce apparent inconsistencies between the operational needs of facility licensee programs and simulator testing requirements, thereby relieving unnecessary regulatory burden and freeing resources for more effective developmental and validation testing associated with either simulator modification programs or the operator licensing training and examination processes.

Subpart F—Licenses

Conforming Changes to § 55.59, Requalification

As a result of the proposed changes to § 55.45(b) that would eliminate the simulator certification requirement, a

conforming change to § 55.59(c)(4)(iv) is proposed that would delete the terms “certified or approved” when referring to a simulation facility in this section.

Section-by-Section Analysis

Subpart D—Revisions To Allow Performance of Control Manipulations on the Plant-Referenced Simulator

The proposed rule would add a statement that “The Commission may accept evidence of satisfactory performance of control manipulations as part of a Commission-approved training program by a trainee on a plant-referenced simulator acceptable to the Commission under Section 55.45(b) of this part in lieu of use of the actual plant. Control manipulations performed on the simulator may be chosen from a representative sampling of the control manipulations and plant evolutions described in Section 55.59(c)(3)(A–F), (R), (T), (W), and (X) of this part, as applicable to the design of the plant for which the license application is submitted.”

By providing an option for licensee to use plant-referenced simulators for control manipulations, the proposed rule obviates the need for current provisions in Section 55.31(a)(5) addressing the use of simulators for performance of control manipulations for facilities that have not yet completed pre-operational testing and initial startup test programs and provisions addressing plants in extended shutdowns. Thus those provisions are removed.

Subpart E—Remove Current Requirements for Simulator Certification and Routine Submittal of Performance Test Reports

10 CFR 55.45(b) provides regulations associated with the implementation and use of simulation facilities in operator licensing. Section 55.45(b)(1) addresses “Administration” of the operating test on a simulation facility. Section 55.45(b)(2) addresses “Schedule for facility licensees” with respect to submitting a plan by which its simulation facility will be developed and by which an application will be submitted for its use. Section 55.45(b)(3) addresses “Schedule for facility applicants” with respect to submitting a plan which identifies whether its simulation facility will conform with paragraph (b)(1)(i) or (b)(1)(ii) of this section at the time of application. Section 55.45(b)(4) addresses “Application for and approval of simulation facilities” with respect to using a simulation facility that is other than solely a plant-referenced simulator

as defined in § 55.4. Section 55.45(b)(5) addresses “Certification of simulation facilities” with respect to those facility licensees which propose, in accordance with paragraph (b)(1)(ii) of this section, to use a simulation facility consisting solely of a plant-referenced simulator. Facility licensees have communicated to the NRC and the NRC agrees that some or portions of the rule provisions discussed and identified in this paragraph are unnecessarily burdensome.

Section 55.45(b)(1)(ii) requires that, “A simulation facility consisting solely of a plant-reference simulator which has been certified to the Commission” be used in administering the operating test. The proposed rule would eliminate the requirement for certification of the simulation facility and more appropriately refer to the definition of a simulation facility as described in § 55.4.

Section 55.45(b)(2) discusses, “Schedule for facility licenses.” The proposed rule would eliminate this outdated item in its entirety.

Section 55.45(b)(2)(i) requires that, “Within one year after the effective date of this part, each facility licensee which proposes to use a simulation facility pursuant to paragraph (b)(1)(i) of this section, except test and research reactors, shall submit a plan by which its simulation facility will be developed and by which an application will be submitted for its use” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(2)(ii) requires that, “Those facility licensees which propose to conform with paragraph (b)(1)(i) of this section, not later than 42 months after the effective date of this rule, shall submit an application for use of this simulation facility to the Commission, in accordance with paragraph (b)(4)(i) of this section” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(2)(iii) requires that, “Those facility licensees which propose to conform with paragraph (b)(1)(ii) of this section, not later than 46 months after the effective date of this rule, shall submit a certification for use of this simulation facility to the Commission on Form NRC-474, “Simulation Facility Certification,” available from Records and Reports Management Branch, Division of Information Support Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555, in accordance with paragraph (b)(5)(i) of this section.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(2)(iv) requires that, “The simulation facility portion of the operating test will not be administered on other than a certified or an approved simulation facility after May 26, 1991.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(3) discusses, “Schedule for facility applicants.” The proposed rule would eliminate this outdated item in its entirety.

Section 55.45(b)(3)(i) requires that, “For facility licensee applications after the effective date of this rule, except test and research reactors, the applicant shall submit a plan which identifies whether its simulation facility will conform with paragraph (b)(1)(i) or (b)(1)(ii) of this section at the time of application.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(3)(ii) requires that, “Those applicants which propose to conform with paragraph (b)(1)(i) of this section, not later than 180 days before the date when the applicant proposes that the Commission conduct operating tests, shall submit an application for use of its simulation facility to the NRC, in accordance with paragraph (b)(4)(i) of this section.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(3)(iii) requires that, “Those applicants which propose to conform with paragraph (b)(1)(ii) of this section, not later than 60 days before the date when the applicant proposes that NRC conduct operating tests, shall submit a certification for use of its simulation facility to the Commission on Form NRC-474, in accordance with paragraph (b)(5)(i) of this section.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4) requires that, “Application for and approval of simulation facilities. Those facility licensees which propose, in accordance with paragraph (b)(1)(i) of this section, to use a simulation facility that is other than solely a plant-referenced simulator as defined in § 55.4 shall—” The proposed rule would eliminate in its entirety this requirement and replace it with language to address “Commission-approved simulation facilities” whereby the Commission would approve a simulation facility if it finds that the simulation facility and its proposed use are suitable for the conduct of operating test for the facility licensee’s reference plant, in accordance with paragraph (a) of this section.

Section 55.45(b)(4)(i) requires that, “In accordance with the plan submitted pursuant to paragraph (b)(2)(i) or (b)(3)(i) of this section, as applicable,

submit an application for approval of the simulation facility to the Commission, in accordance with the schedule in paragraph (b)(2)(ii) or (b)(3)(ii) of this section, as appropriate. This application must include:” The proposed rule would eliminate the phrases “In accordance with the plan submitted pursuant to paragraph (b)(2)(i) or (b)(3)(i) of this section, as applicable” and “ * * * in accordance with the schedule in paragraph (b)(2)(ii) or (b)(3)(ii) of this section, as appropriate.” and replace its language to address those facility licensees that propose, in accordance with paragraph (b)(1)(i) of this section, to use a simulation facility that is other than solely a plant-referenced simulator as defined in § 55.4 and to also submit an application for approval of the simulation facility to the Commission that include certain items as described in § 55.45(b)(2)(i)(A), (B), and (C).

Section 55.45(b)(4)(i)(A) requires that, “A statement that the simulation facility meets the plan submitted to the Commission pursuant to paragraph (b)(2)(i) or (b)(3)(i) of this section, as applicable;” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4)(ii) requires that, “The Commission will approve a simulation facility if it finds that the simulation facility and its proposed use are suitable for the conduct of operating tests for the facility licensee’s reference plant, in accordance with paragraph (a) of this section.” The proposed rule would eliminate in its entirety this requirement and replace it with language applicable to those facility licensees which use a plant-referenced simulator to establish prerequisites for operator license eligibility in accordance with § 55.31(a)(5) and to provide in addition to existing performance testing required for significant control manipulations which affect reactivity; that simulator models relating to nuclear and thermal-hydraulic characteristics replicate the core load that exist in the nuclear power unit for which a license is being sought at the time of the applicants’s operating test and that simulator fidelity has been demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence.

Section 55.45(b)(4)(iii) requires that facility licensees, “Submit, every four years on the anniversary of the application, a report to the Commission which identifies any uncorrected performance test failures, and submit a

schedule for correction of these performance test failures, if any.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4)(iv) requires that facility licensees, “Retain the results of the performance test conducted until four years after the submittal of the application under paragraph (b)(4)(i), each report pursuant to paragraph (b)(4)(iii), or any reapplication under paragraph (b)(4)(iv) of this section, as appropriate.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4)(v) requires that, “If the Commission determines, based upon the results of performance testing, that an approved simulation facility does not meet the requirements of this part, the simulation facility may not be used to conduct operating tests.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4)(vi) requires that, “If the Commission determines, pursuant to paragraph (b)(4)(v) of this section, that an approved simulation facility does not meet the requirements of this part, the facility licensee may again submit an application for approval. This application must include a description of corrective actions taken, including results of completed performance testing as required for approval.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(4)(vii) requires that, “Any application or report submitted pursuant to paragraphs (b)(4)(i), (b)(4)(iii) and (b)(4)(vi) of this section must include a description of the performance testing completed for the simulation facility, and must include a description of performance tests, if different, to be conducted on the simulation facility during the subsequent four-year period, and a schedule for the conduct of approximately 25 percent of the performance tests per year for the subsequent four years.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(5), “Certification of simulation facilities” requires that, “Those facility licensees which propose, in accordance with paragraph (b)(1)(ii) of this section, to use a simulation facility that is other than solely a plant-referenced simulator as defined in § 55.4 shall—.” The proposed rule would eliminate in its entirety this requirement and replace it with language to address “Acceptability of simulation facilities” such that facility licensees which maintain a simulation facility for the conduct of operating test shall conform

to the revised proposed rule and to provide assurance that approved or certified simulation facilities remain acceptable over a period time to meet the requirements paragraph (a) of this section.

Section 55.45(b)(5)(i) requires that facility licensees, “Submit a certification to the Commission that the simulation facility meets the Commission’s regulations. The facility licensee shall provide this certification on Form NRC 474 in accordance with the schedule in paragraph (b)(2)(iii) or (b)(3)(iii) of this section, as applicable.” The proposed rule would eliminate in its entirety this requirement.

Section 55.45(b)(5)(ii) requires that facility licensees, “Submit, every four years on the anniversary of the certification, a report to the Commission which identifies any uncorrected performance test failures, and submit a schedule for correction of such performance test failures, if any.” The proposed rule would partially eliminate this requirement. The facility licensee would have to make available for NRC review, prior to or concurrent with preparations for each operator licensing operating test or requalification program inspection results of any uncorrected performance test failures that will exist at the time of the operating test or requalification program inspection.

Section 55.45(b)(5)(iii) requires that facility licensees, “Retain the results of the performance test conducted until four years after the submittal of certification under paragraph (b)(5)(i), each report pursuant to paragraph (b)(5)(ii), or recertification under paragraph (b)(5)(v) of this section, as applicable.” The proposed rule would revise the rule to require facility licensees to provide recurring assurance of fidelity by performance testing throughout the life of the simulation facility consistent with paragraphs 55.45(b)(2)(ii) and 55.45(b)(3)(i)(B) and only retain the results of performance test conducted for four years or until superseded by updated test results. The proposed rule would require the inclusion of provisions for maintaining examination and test integrity consistent with § 55.49.

Section 55.45(b)(5)(iv) requires that, “If the Commission determines, based upon the results of performance testing, that a certified simulation facility does not meet the requirements of this part, the simulation facility may not be used to conduct operating tests.” The proposed rule revises the language such that if the Commission determines, based upon the results of pre-examination scenario validation, a review of performance testing results, or

uncorrected modeling or hardware discrepancies, that a simulation facility consisting solely of a plant-referenced simulator does not meet the requirements of this part as defined in § 55.4 or the criteria in § 55.45(b)(2)(ii), then the plant-referenced simulator may not be used to conduct operating tests, requalification, or control manipulations as described in §§ 55.31(a), 55.45(b)(1), and 55.59(c)(3) of this part. Facility licensees proposing to use simulation facilities meeting the definition in § 55.4 of a plant-referenced facility would not be required to submit an application for Commission approval.

Section 55.45(b)(5)(v) requires that, "If the Commission determines, pursuant to paragraph (b)(5)(iv) of this section, that a certified simulation facility does not meet the requirements of this part, the facility licensee may submit a recertification to the Commission on Form NRC-474. This recertification must include a description of corrective actions taken, including results of completed performance testing as required for recertification." The proposed rule eliminates this provision.

Section 55.45(b)(5)(vi) requires that, "Any certification report, or recertification submitted pursuant to paragraph (b)(5)(i), (b)(5)(ii) or (b)(5)(v) of this section must include a description of performance testing completed for the simulation facility, and must include a description of the performance tests, if different, to be conducted on the simulation facility during the subsequent four-year period, and a schedule for the conduct of approximately 25 percent of the performance tests per year for the subsequent four years." The proposed rule would eliminate in its entirety this requirement.

The proposed rule requirements associated with the implementation and use of simulation facilities would significantly reduce unnecessary burden for facility licensees and the NRC. The proposed rule would allow facility licensees greater flexibility to adjust their performance test programs consistent with user needs as defined by their accredited training programs, and encourage implementation of improved revisions of the national standard which, as endorsed by the NRC, would improve focus on the training and examination environment in which the plant-referenced simulator is used. In addition, the proposed rule would allow facility licensees to reduce cost.

Since § 55.45(b) was last revised on March 25, 1987 (52 FR 9453), facility licensees have continually improved

and implemented sophisticated simulator modeling and replaced outdated computer hardware to ensure that operator and senior operator applicants as well as licensed operators are trained and qualified on a plant-referenced simulator.

Subpart A—Revisions of § 55.4 Definitions

Section 55.4 defines performance testing as "Performance testing means testing conducted to verify a simulation facility's performance as compared to actual or predicted reference plant performance." The proposed rule would redefine performance testing as "Performance testing means validation, scenario-based, or operability testing conducted to verify a simulation facility's performance as compared to actual or predicted reference plant performance."

Section 55.4 defines plant-referenced simulator as "Plant-referenced simulator means a simulator modeling the systems of the reference plant with which the operator interfaces in the control room, including operating consoles, and which permits use of the reference plant's procedures. A plant-referenced simulator demonstrates expected plant response to operator input, and to normal, transient, and accident conditions to which the simulator has been designed to respond." The proposed rule would enhance the definition of plant-referenced simulator as "Plant-referenced simulator means a simulator modeling the systems of the reference plant with which the operator interfaces in the control room, including operating consoles, and which permits use of the reference plant's procedures. A plant-referenced simulator demonstrates expected plant response to operator input, and to normal, transient, and accident conditions to which the simulator has been designed to respond. A plant-referenced simulator is designed, implemented, and maintained such that it: (1) Is sufficient in scope and fidelity to allow conduct of the evolutions listed in paragraphs 55.45(a)(1) through (13), and 55.59(c)(3)(i)(A) through (AA), as applicable to the design of the reference unit; (2) allows for the completion of on-the-job training experience prerequisites for license operator eligibility consistent with paragraph 55.45(b)(2)(ii)."

Section 55.4 defines simulation facility as "Simulation facility means one or more of the following components, alone or in combination, used for the partial conduct of operating tests for operators, senior operators, and candidates: (1) The plant, (2) a plant-referenced simulator, (3) another

simulation device." The proposed rule would update the definition of simulation facility to "Simulation facility means one or more of the following components, alone or in combination, used for the partial conduct of operating tests for operators, senior operators, and license applicants: (1) The plant, (2) a plant-referenced simulator, (3) a Commission-approved simulator in accordance with § 55.45(b)(2), (4) another simulation device, including part-task and limited scope simulation devices."

Subpart A—General Provisions, § 55.8 Information Collection Requirements: OMB Approval

Section 55.8(c)(3) identifies the information collection requirement and the control number under which the requirement is approved for NRC Form 474, "Simulation Facility Certification," OMB approval No. 3150-0138. If adopted, the proposed rule would eliminate the need for the certification form.

Section 55.8(c)(4) would be deleted because its requirements have been incorporated into this 10 CFR part.

Subpart F—Licenses, § 55.59, Requalification

Section 55.59(c)(4)(iv) requires that, "* * * After the provisions of § 55.45(b) have been implemented at a facility, the certified or approved simulation facility must be used to comply with this paragraph." The proposed rule would eliminate the words "certified or approved" as a result of eliminating the certification requirement as described in the proposed rule § 55.45(b).

Issues for Public Comment

Comments concerning the content, level of detail specified, and the implementation of the proposed amendments are encouraged. Suggestions of alternatives other than those described in this notice and estimates of cost for implementation are encouraged. Because the intent of the proposed rule changes to § 55.31(a)(5) and § 55.45(b)(1) is to reduce unnecessary regulatory burden by providing acceptable methods to comply with the Commission's regulations, the NRC is particularly interested in receiving from the public comments on the following issues related to this proposed rule:

1. Are there rulemaking alternatives to this proposed rule that were not considered in the regulatory analysis for this proposed rule?
2. Are the revised definitions as used in § 55.4 clearly defined?

3. Would the revised requirements permitting control manipulations to be performed on a plant-referenced simulator as prescribed in § 55.31(a)(5) reduce unnecessary regulatory burden associated with establishing license eligibility for operators and senior operators and yet continue to maintain safety by ensuring that experience gained on the simulator essentially replicates that obtained from control manipulations on the plant?

4. Would the revised requirements in § 55.45 to eliminate the need for certification of simulation facilities and duplicate testing and reporting requirements accomplish their intended purpose of eliminating unnecessary regulatory burden?

5. Would the proposed NRC reviews of simulators ensure requisite simulator suitability to support effective training and operator performance assessment and thereby maintain plant safety?

Related Regulatory Activity

NRC Endorsement of ANSI/ANS 3.5–1998

The NRC staff has reviewed ANSI/ANS 3.5–1998 with respect to the revision of Regulatory Guide 1.149, “Nuclear Power Plant Simulation Facilities for Use in License Examinations.” The 1998 revision of the standard was developed with full NRC participation and insight. Accordingly, the staff believes that those testing and fidelity concerns that have required exceptions and clarifications in the regulatory positions of the previous revisions of Regulatory Guide 1.149, are adequately addressed in this latest revision of the standard. The staff further believes that industry’s concerns have been addressed in this latest revision of the standard. As noted in the introductory paragraph to the standard, “the consensus committee was balanced to ensure that competent, concerned, and varied interests have had an opportunity to participate.” The staff is considering endorsing ANSI/ANS 3.5–1998 without the exceptions or clarifications that have characterized NRC’s endorsement of previous revisions.

The staff published in the **Federal Register** for public comment a notice of availability of Draft Guide DG–1080 (proposed Revision 3 of Regulatory Guide 1.149) on August 23, 1999 (64 FR 162). The public comment period closed on November 12, 1999. NRC Form 474 and the associated OMB clearance will also be modified to reflect NRC’s endorsement of the 1998 revision of the standard upon final issuance of Regulatory Guide 1.149 and final

Commission action on changes described in this proposed rule.

Facility licensees would not be required to automatically adopt the new standard. The 1993 revision is still recognized by ANS, and the 1985 revision is considered to be a “historical” standard. Simultaneous endorsement of more than one version of the standard is consistent with both the NRC policy of evaluating the latest version of national consensus standards in terms of their suitability for endorsement by regulations or regulatory guides and the established regulatory position regarding simulators, allowing industry to establish recommended and required capabilities and acceptability criteria.

Referenced Documents

Copies of SECY–99–0225, DG–1080 (Proposed Revision 3 to Regulatory Guide 1.149), NRC Form 474, NUREG–1262, NUREG–1258, and NUREG–1021 are available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Plain Language

The Presidential memorandum dated June 1, 1998, entitled, “Plain Language in Government Writing,” directed the government’s writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). In complying with this directive, editorial changes have been made in this proposed amendment to improve readability of the existing language of the provisions being revised. These types of changes are not discussed further in this document. The NRC requests comment on the proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the **ADDRESSES** caption of the preamble.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for

review and approval of the paperwork requirements.

Because the rule will reduce existing information collection requirements, the public burden for this information collection is expected to be decreased by 120 hours per licensee. This reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the information collection. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collections contained in the proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed information collection, including suggestions for further reducing the burden, to the Records Management Branch (T–6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail at BJS1@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0138), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the information collections or on the above issues should be submitted by August 2, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

National Technology Transfer and Advancement Act Statement

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise

impractical. Regulatory Guide 1.149 describes an acceptable method by which facility licensees might implement specific parts of this proposed rule and references the 1985, 1993, and 1998, revisions of voluntary standard American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.5, "Nuclear Power Plant Simulators for Use in Operator Training and Examination."

Comments are being solicited, particularly with respect to effects of application of ANSI/ANS 3.5-1998 on existing simulator support and operator training programs and perceived compatibility with the proposed regulations. Comments are also being solicited with respect to applicability of earlier versions of ANSI/ANS 3.5 or applicability of standards and guidance other than ANSI/ANS 3.5 for use in training and examination of operators at nuclear power plants.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The regulatory analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the analysis may be obtained from the Branch Chief, Operator Licensing, Human Performance and Plant Support Branch, Office Nuclear Reactor Regulation, U.S. Regulatory Commission, at 301-415-3173 or by e-mail at jfc@nrc.gov. The Commission requests public comment on the regulatory analysis. Comments on the analysis may be submitted to the NRC as indicated under the ADDRESSES heading.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this

proposed rule; therefore, a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 55.

PART 55—OPERATOR'S LICENSES

1. The authority citation for Part 55 continues to read as follows:

Authority: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

2. In § 55.4, the terms "Performance testing," "Plant-referenced simulator," and "Simulation facility," are revised to read as follows:

§ 55.4 Definitions.

* * * * *

Performance testing means validation, scenario-based, or operability testing conducted to verify a simulation facility's performance as compared to actual or predicted reference plant performance.

* * * * *

Plant-referenced simulator means a simulator modeling the systems of the reference plant with which the operator interfaces in the control room, including operating consoles, and which permits use of the reference plant's procedures. A plant-referenced simulator demonstrates expected plant response to operator input, and to normal, transient, and accident conditions to which the simulator has been designed to respond. A plant-referenced simulator is designed and implemented such that it:

(1) Is sufficient in scope and fidelity to allow conduct of the evolutions listed in §§ 55.45(a)(1) through (13), and 55.59(c)(3)(i)(A) through (AA), as applicable to the design of the reference unit, and

(2) Allows for the completion of on-the-job training experience prerequisites for licensed operator applicant eligibility consistent with § 55.45(b)(3)(i).

* * * * *

Simulation facility means one or more of the following components, alone or in combination, used for the partial conduct of operating tests for operators, senior operators, and license applicants, or to establish on-the-job training experience prerequisites for operator license eligibility:

- (1) The plant;
- (2) A plant-referenced simulator;
- (3) A Commission-approved simulator in accordance with § 55.45(b)(2); and
- (4) Another simulation device, including part-task and limited scope simulation devices.

* * * * *

3. In § 55.8, paragraphs (c)(3) and (c)(4) are removed and paragraph (b) is revised to read as follows:

§ 55.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 55.11, 55.23, 55.25, 55.27, 55.31, 55.35, 55.40, 55.41, 55.43, 55.45, 55.47, 55.53, 55.57, and 55.59.

* * * * *

4. In § 55.31, paragraph (a)(5) is revised to read as follows:

§ 55.31 How to apply.

(a) * * *

(5) Provide evidence that the applicant, as a trainee, has successfully manipulated the controls of the facility for which a license is sought. At a minimum, five significant control manipulations must be performed that affect reactivity or power level. Evidence of satisfactory performance of control manipulations may be demonstrated on a plant-referenced simulator that meets the requirements of § 55.45(b)(3). Control manipulations performed on the simulator may be chosen from a representative sampling of the control manipulations and plant evolutions described in § 55.59(c)(3)(A-F), (R), (T), (W), and (X) of this part, as applicable to the design of the plant for which the license application is submitted. For licensed operators applying for a senior operator license, certification that the operator has successfully operated the controls of the facility as a licensed operator shall be accepted; and

* * * * *

5. In § 55.45, paragraph (b) is revised to read as follows:

§ 55.45 Operating tests.

* * * * *

(b) *Implementation*—(1)

Administration. The operating test will be administered in a plant walkthrough and in either—

(i) A simulation facility which the Commission has approved for use after application has been made by the facility licensee; or

(ii) A plant-referenced simulator as defined in § 55.4.

(2) *Commission-approved simulation facilities.* (i) Facility licensees who

propose to use a simulation facility in the administration of the operating test in accordance with paragraph (b)(1)(i) of this section, shall submit an application for approval of the simulation facility to the Commission. This application must include:

(A) A description of the components of the simulation facility that are intended to be used for each part of the operating test, unless previously approved;

(B) A description of the performance tests as part of the application, and the results of these tests; and

(C) A description of the procedures for maintaining examination and test integrity consistent with the requirements of § 55.49.

(ii) The Commission will approve a simulation facility if it finds that the simulation facility and its proposed use are suitable for the conduct of operating tests for the facility licensee's reference plant under paragraph (a) of this section.

(3) *Plant-referenced simulators.* (i) Facility licensees which propose to use a plant-referenced simulator to meet the experience requirements in § 55.31(a)(5) must ensure that:

(A) The plant-referenced simulator uses models relating to nuclear and thermal-hydraulic characteristics that replicate the core load that exists in the nuclear power unit for which a license is being sought at the time of the applicant's operating test; and

(B) Simulator fidelity has been demonstrated so that significant control manipulations are completed without procedural exceptions, simulator performance exceptions, or deviation from the approved training scenario sequence.

(ii) If the Commission determines that a simulation facility consisting solely of a plant-referenced simulator does not meet either the definition of a plant-referenced simulator as defined in § 55.4, or the criteria in § 55.45(b)(4)(A) and (D), the Commission will not accept

the plant-referenced simulator for conducting operating tests as described in § 55.45(b)(1) of this part, requalification training as described in § 55.59(c)(3) of this part, or performing control manipulations that affect reactivity to establish eligibility for an operator's license as described in § 55.31(a)(5).

(4) *Continued assurance of simulator fidelity.* Facility licensees that maintain a simulation facility shall:

(A) Conduct performance testing throughout the life of the simulation facility in a manner sufficient to assure that the criteria of paragraphs 55.45(b)(4)(C) and 55.45(b)(3)(i)(B) as applicable, are met. The results of performance tests must be retained for four years after the completion of each performance test or until superseded by updated test results;

(B) Correct scenario validation, performance test, modeling, and hardware discrepancies;

(C) Make available for NRC review, before or concurrent with preparations for each operator licensing operating test or requalification program inspection, results of any uncorrected performance test failures that may exist at the time of the operating test or requalification program inspection; and

(D) Maintain the provisions for examination and test integrity consistent with § 55.49.

* * * * *

6. In § 55.59, paragraph (c)(4)(iv) is revised to read as follows:

§ 55.59 Requalification.

* * * * *

(c) * * *

(4) * * *

(iv) Simulation of emergency or abnormal conditions that may be accomplished by using the control panel of the facility involved or by using a simulator. Where the control panel of the facility is used for simulation, the actions taken or to be taken for the emergency or abnormal condition must be discussed; actual manipulation of the plant controls is not required. If a simulator is used in meeting the requirements of paragraph (c)(4)(iii) of this section, it must accurately reproduce the operating characteristics of the facility involved and the arrangement of the instrumentation and controls of the simulator must closely parallel that of the facility involved. After the provisions of § 55.45(b) have been implemented at a facility, the simulation facility must be used to comply with this paragraph.

* * * * *

Dated at Rockville, Maryland, this 27th day of June, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00-16751 Filed 6-30-00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 00N-1351]

Food Labeling; Use of the Term "Fresh" for Foods Processed With Alternative Nonthermal Technologies; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Announcement of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting to discuss the use of the term "fresh" in the labeling of foods processed with alternative nonthermal technologies. The purpose of the meeting is to determine whether the use of the term "fresh" is truthful and not misleading on foods processed with these alternative technologies and to determine what type of criteria FDA should use when considering the use of the term with future technologies.

DATES: The public meeting will be held on July 21, 2000, from 8:30 a.m. to 4 p.m. Please preregister by July 14, 2000. Late registrations will be accepted contingent on space availability. Comments must be submitted no later than August 21, 2000.

ADDRESSES: The meeting will be held at the Holiday Inn City Centre, 300 East Ohio St., Chicago, IL, 312-787-6100.

Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1061, 5630 Fishers Lane, Rockville, MD 20852. You may also send comments to the Dockets Management Branch at the following e-mail address: FDADockets@oc.fda.gov or on the FDA website at <http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm>.

FOR FURTHER INFORMATION CONTACT:

For registration: Kimberly Phillips or Darlene M. Bailey, Office of Public Affairs (HFR-CE645), Food and Drug Administration, 300 South Riverside Plaza, suite 550 South, Chicago, IL 60606, 312-353-7126 or FAX 312-886-3280.